

Appendix Two

Belfast City Council Draft Response to the DFC Proposals for Changes to the Private Rented Sector

Private Rented Sector in Northern Ireland- Proposals for Change:

Belfast City Council welcomes the opportunity to respond to the Department's proposals for changes to the Private Rented Sector in Northern Ireland.

Owning a home or renting from a social landlord are the preferred choices for most of the Citizens of Belfast but these are becoming increasingly harder to secure. The private rented sector has become the second biggest tenure in Northern Ireland, the highest proportion being in Belfast. Given the existing waiting lists for Social Housing and affordability issues for first time buyers, this sector will continue to play an important and valuable role in the City's Housing Market.

The increasing reliance on the Private Rented Sector will make it an important element of any future Housing strategy. The Council recognises that the majority of landlords are good landlords who abide by the law and provide much needed, good quality, accommodation. However management standards can vary so it is important that in the future the Private rented sector is fit for purpose and provides tenancies for people that need them.

The Council notes that the consultation document sets out proposals on the following:

- gauge the appetite of institutional investors from Great Britain to invest in Northern Ireland,
- encourage the development of more mixed tenure housing areas,
- scope out the role of Housing Associations in the private rented sector,
- restrict number of times rent can be increased in a 12 month period
- ensure all private tenants are issued with a written agreement which must contain mandatory terms
- increase the minimum notice to quit period from four weeks to two month for tenancies longer than 12 months,
- introduce a Fast Track Eviction process,
- consider a landlord training programme,
- pilot a dedicated landlord advice line,
- develop a tenant information pack,
- amend the Landlord Registration Regulations to incorporate a fitness declaration at the point of registration,
- introduce a regulatory framework for letting agents,
- introduce requirement for landlords to provide smoke alarms, carbon monoxide detectors and carry out periodic electrical checks,

- introduce legislation around Energy Performance Certificate ratings with possible exemptions,
- move the 1945 date for rent control to 1956,
- establish an independent housing panel

The Council welcomes the opportunity to comment on these proposed changes. More detailed comments on each are outlined below.

The Council is disappointed that the Department is not proposing to introduce landlord licensing. Experience in England has shown that it is an effective instrument for authorities to increase the amount of information they hold on the Private Rented Sector in their area, and to open up the lines of communication between local authorities, landlords and tenant communities. Licensing schemes would provide Councils with more effective powers to regulate the sector. It would also enable Councils and Landlords to work together in order to improve housing conditions. More detailed comments on licensing are included in this response.

Supply:

The Department proposes to:

- 1. Commission work to gauge the appetite of institutional investors with existing portfolios of private rented sector properties in Great Britain to invest in Northern Ireland and the conditions needed to support such investment.***

The Council welcomes the Department's proposals to explore new opportunities to stimulate the growth of the Private Rented Sector (PRS) in light of increasing demand for this tenure. PRS is Northern Ireland's second largest tenure after owner occupation, with demand largely driven by increasing social housing waiting lists, decline in first-time buyers, increase in low-paid employment, economic migration and an increase in single person households. The PRS sector will therefore play an increasingly important role in the City's housing market.

This aligns with the delivery of key Council strategies that aim to increase the population of the city, particularly within the city centre:

- ***Belfast City Centre Regeneration and Investment Strategy (BCCRIS)*** - One of the core principles of the BCCRIS (adopted Sept 2015) is its aspiration to grow the residential population of the city centre through the development of balanced communities with an appropriate mix of housing types and tenures.
- ***Belfast Agenda*** - the City's Community Plan proposes to grow Belfast's population by up to 70,000 people by 2035.
- ***Belfast Local Development Plan (LDP) Preferred Options Paper (POP)*** - Reiterates the Belfast Agenda ambition for population growth and sets out a preferred option for the allocation of land for 37,000 new homes to accommodate this growing population. It also proposes to prioritise the reuse of vacant and derelict 'brownfield' land, increase the density of homes within the City Centre and other highly accessible locations, ensure the delivery of a mix of housing in terms of size, types and tenures, support the provision of affordable housing and create an environment that is conducive to city centre living.

The PRS has the potential to make a significant contribution to these population and housing growth ambitions, whilst ensuring quality design and supporting sustainable and vibrant communities. Furthermore, the Council believe that institutional investment into purpose-built private rented accommodation is more likely to ensure a better quality, long-term supply of rented homes, professionally managed and offering secure tenancy to residents. It also presents greater

opportunities to support large-scale place making on key regeneration sites within the city centre and stimulate growth and employment.

Developments may be more deliverable as mixed-use schemes, which would have greater regenerative impacts and ensure a vibrant mix of uses within key regeneration sites. Anecdotal evidence suggests that there is interest from property developers / investors in potential build-to-rent private rental schemes in Belfast city centre. It is possible that institutional investors will support these schemes without the need for public sector intervention, although public sector involvement could help to secure greater regeneration benefits.

A number of purpose built managed student accommodation buildings are under construction or proposed to be developed in Belfast City Centre in the coming years. In the medium- to long-term it is envisaged that the private rental market will provide graduating students, many of whom may wish to remain within the City Centre, with their first step into the residential market.

Notwithstanding the comments above, it is also recognised that a significant proportion of private rental accommodation in Belfast will continue to be provided through less sizeable schemes such as conversions of vacant or underutilised buildings; particularly heritage buildings. These schemes may not be appropriate for large-scale institutional investment but will support regeneration and re-population of the City Centre, in line with the BCCRIS. For example, the PRS has potential to deliver 'Living Over the Shops' (LOTS) and to encourage more empty homes back into use to support more sustainable neighbourhoods.

2. Explore opportunities to use money available for shared housing through the Fresh Start agreement to incentivise the development of more mixed-tenure housing areas, including private rented accommodation, underpinned by a shared ethos.

The Council welcomes the Department's proposals to explore opportunities to incentivise development of more mixed-tenure housing.

The Belfast Agenda's vision for the City in 2035 is a place that is welcoming, safe, fair and inclusive for all. Encouraging mixed tenure shared housing developments will help achieve this vision. The Council's LDP Preferred Option Paper (POP) proposes to ensure future housing includes a mix of types, tenures and sizes. The POP also proposes to manage shared housing to maintain balanced communities and encourage all new developments to promote community cohesion and improve community relations.

Private rented accommodation will clearly play an important role in the provision of mixed-tenure housing that is open and accessible to all. The Council are already actively exploring opportunities with the Department's housing officials and the Northern Ireland Housing Executive (NIHE) for the delivery of an exemplar mixed-use and mixed-tenure housing scheme within Belfast City Centre. We believe that an exemplar of this type could help to set the standards in terms of design quality for high-density residential accommodation, including an element of PRS, and will help to demonstrate the viability of city centre living. We would welcome the opportunity to discuss this further with the Department in due course.

The BCCRIS states that, based on comparisons with similar sized cities elsewhere in the UK, Belfast ought to have a city centre residential population of several thousand people. However, at present city centre living is limited with the residential population tending to be concentrated in low density, predominantly social housing, rather than the PRS accommodation present in many other European cities. It concludes that the PRS may be a logical growth market within Belfast, but needs to be well managed and regulated to help drive improvements in quality. An exemplar project demonstrating the deliverability and desirability of good quality PRS accommodation in

Belfast City Centre therefore has the potential to further incentivise city centre living and could in turn help in attracting greater levels of investment in PRS in the future.

3.Scope the opportunities with housing associations for greater involvement in the private rented sector.

The Council recognises the significant contribution that Housing Associations make to increasing quality housing supply. During the 2011-2015 PfG Housing Associations delivered approximately 10,000 social and affordable homes across Northern Ireland. They are well placed to develop homes to meet housing need and have experienced and professional housing management teams that could enhance the private rented sector; providing quality, long term rented accommodation. A number of Housing Associations are already involved with the PRS and may wish to expand their presence.

However, given the relative weakness of the City Centre housing market at present, the Council believe that our policy to increase the city centre residential population should initially focus on quality market housing. This would ensure that a vibrant market is firmly established and would help address the imbalance that currently exists in the city centre's residential provision. The aim is to stimulate the private sector to encourage the development of a self-sustaining quality residential environment that provides a mixture of tenures and meets the range of needs of a growing city centre population of which the private rented sector would be an essential component. It would therefore be prudent to explore what the housing associations role could be in the provision of market housing, as well as in supplying social and affordable housing within the city centre.

Affordability:

The Department proposes to: Introduce legislation to stipulate that rents can only be increased once in any 12 month period.

The Council welcomes this proposal to stabilise rents in this sector. Any future legislation will need to include a mechanism by which rent increases will be calculated. It will also require the establishment of an independent housing panel to arbitrate in cases where there is a dispute between the landlord and tenant on the increase and the level of rent increase proposed.

The Council recognises the importance of ensuring that the private rented sector is affordable. Our LDP Preferred Option Paper (POP) recognises the importance of affordable housing, including affordable private rented housing, in meeting the strategic aim of 'shaping a liveable place' and meeting the housing needs of future residents.

An increase in supply of good quality, well managed, private rented accommodation over the life of the LDP should help to manage issues of affordability, with an increased supply ensuring that rental levels are affordable and reducing the likelihood of upward pressures on rents. This local supply and demand balance will be important when addressing the issue of affordability.

The potential for institutional investment into build-to-rent schemes will present opportunities to offer a proportion of affordable rent units within the development. The practice of providing affordable units as part of a single development under common control has become common in London boroughs and allows efficiencies in design, density, construction and management; improving financial viability and potentially allowing a greater number of affordable units to be delivered, 'pepper-potted' throughout.

In relation to affordability, research from the Joseph Rowntree Foundation has found that the number of people in poverty in the PRS has doubled in the last decade¹. Further research has found that in Northern Ireland approximately 50% of private renters are likely to be in fuel poverty.² This suggests improvements in energy efficiency are required and highlights the need to enhance standards and ensure the private rental market remains affordable for unemployed or low-income tenants.

The Council recognises the many good landlords providing quality well managed accommodation. Potential institutional investment into new rental accommodation could help to enhance and lift standards and professionalism across the whole private rented sector.

The Council also recognises that most private landlords are individuals with only one or two properties. Very few are full time professional landlords which can lead to inconsistent standards of housing management. Given this and the link between a landlords investment levels and property standards there is a need to ensure the new regime is sustainable and does not result in financial burdens for both the landlord and tenant.

In England the Chartered Institute of Housing has called for extra tax incentives for landlords who sign up for a national accreditation scheme and commit to better standards. The Council would see merit in this approach but would request that tax incentives are linked to landlord licensing as opposed to landlord accreditation on its' own.

Security of tenure:

The Department proposes to:

- 1. Seek to bring forward legislation to ensure all private tenants are issued with a written agreement which must contain mandatory terms regardless of the type or length of the tenancy.***
- 2. Amend the notice to quit period from four weeks to two months for tenancies lasting longer than 12 months.***
- 3. Seek to introduce legislation for a Fast Track Eviction Scheme which may include mandatory grounds for possession and provide appropriate safeguards to ensure fairness.***

The Council welcomes the proposals to ensure all tenants receives a mandatory written agreement. It also welcomes the proposals to increase the notice to quit provisions for tenancies over 12 months to two months.

The introduction of a fast track eviction scheme would be welcomed by the Council. The current process is viewed by many as imbalanced and needing to be more efficient. It is currently costly and too lengthy for landlords who need legitimate possession of their property. In some circumstances it is leading to illegal evictions rather than preventing them. However this power should be supported by the establishment of an independent housing panel to arbitrate in cases where there is a dispute between the landlord and tenant. This can provide a means to resolve the type of issues that can lead to possible evictions and the misuse of the new fast track eviction power. Therefore the Council would like to see the Dispute Resolution Panel established with clear guidelines as to it's remit etc before any legislation in relation to fast track evictions is enacted.

¹ Article entitled 'Linking rents directly to incomes can make the housing market work'. Available from: <https://www.jrf.org.uk/blog/housing-market-isnt-helping-people-make-ends-meet-time-living-rents>

² 'Fuel Poverty in NI's Private Rented Sector: An Evidence-based audit', University of Ulster, 2012. Available from: http://uir.ulster.ac.uk/30987/1/Private_Rental_Report_Master_copy.pdf

Tenancy Management

The Department proposes to:

1. Review the impact of the CIH training course and explore the funding options or an extension of the course.

2. Fund a pilot dedicated landlord advice line. This would ensure that landlords get advice and information from professionally qualified advisors.

They would have a single point of contact for landlords to access information. This in turn would help professionalise the sector.

3. Develop a tenant information pack which a landlord must provide to the tenant at the commencement of the tenancy. This will contain user friendly advice and information. This would detail their roles and responsibilities and what is expected of them as a tenant. This is already a common practice in other jurisdictions.

The Council welcomes initiatives to assist in the education and training of landlords to encourage professionalism in the sector. Council staff currently assist in the delivery of the CIH training course. Advice packs for tenants are also welcomed as many tenants are unaware of their rights when renting privately.

4. Amend the Landlord Registration Regulations to incorporate a fitness declaration at the point of registration. Sample checks could be carried out by councils on these declarations. Options for meeting the costs of these checks would need to be explored.

Requiring a fitness declaration for landlords at the point of registration would appear to be a “light touch” approach to dealing with properties which do not meet the statutory fitness standard.

The Council would see difficulties with sample checks. In the interest of fairness and proportionality the Council would prefer that all properties that register are inspected. This would be resource intensive but it is the only way to ensure all landlords and tenants are treated the same. To carry out this role the Council will need to be supported by income from registration fees.

Rather than amend the existing registration scheme the council would request the introduction of mandatory licensing across the entire private rented sector. This would compliment the new HMO licensing regime, ensure a level playing field for all landlords across the entire private rented sector and offer the same level of protection to all private rented sector tenants. The new HMO Act includes provision for licence conditions requiring landlords to manage tenant behaviour. The information sharing proposals in the bill will provide a robust method for the identification and regulation of HMO's including conditions in relation to managing behaviour.

Licensing of the entire private rented sector or failing that giving Council's powers to introduce Selective Licensing schemes would permit the Council to more effectively regulate problem areas in the City. Part 3 of the Housing Act 2004 gives Councils in England & Wales the power within a defined geographical area to implement selective licensing schemes for properties. The criterion for declaring such a scheme include where there is a high proportion of properties in the Private rented sector within which there are poor standards of repair and/or, high levels of deprivation and/or, high levels of crime and Anti-Social Behaviour.

The Council is aware of the problems faced by some of the Councils in England and Wales seeking to introduce private rented sector licensing schemes. Licensing introduced by statute would allow Councils to implement the schemes without the problems encountered by a number of the London Authorities.

The Council are of the opinion that licensing would not place any additional burden on reputable landlords already compliant with their obligations, and would not result in higher rents. The Council is aware that many of the schemes that operate on the mainland offer discounted rates for

compliant landlords. The discounted rate offered by the London Borough of Newham equates to a charge of 66p per week over the 5 year period of the licence.

At present the councils receive none of the revenue received from the Landlord Registration scheme. This has placed a significant administrative and financial burden on Councils. The use of Fixed penalty income to offset these costs is not working in practice and in any case is not sustainable. Future licensing schemes should be administered by Councils and the fees used to fund the administration and enforcement of the sector.

5. Introduce a regulatory framework for all letting agents including bringing forward legislation to ban letting agent fees.

The Council welcomes the introduction of a regulatory framework for all letting agents including the legislation to ban letting fees. This sector has been largely unregulated to date and tenants who wish to rent in an area of high demand are often subject to a range of prohibitive fees.

Property Standards:

The Department proposes to:

1. Introduce legislation as soon as practicable to make it a mandatory requirement for private landlords to provide smoke and carbon monoxide detectors and to carry out periodic electrical checks.

The Council welcomes the proposals to ensure all private landlords provide smoke and carbon monoxide detectors and carry out electrical checks. The Council advocates the adoption of the HHSRS (Housing Health and Safety Rating System) the standard used in England and Wales which addresses all potential hazards in the home.

2. Introduce legislation around Energy Performance Certificate (EPC) ratings similar to that in England. Consideration should be given to exempting certain types of property where the costs of making sufficient energy efficiency improvements would be prohibitive.

The Council has no objection in principle to this proposal. However we feel that there are a number of considerations which must be taken into account in order to consider Option 2.

- Landlords providing an EPC
- Ensuring that tenants receive the EPC prior to engaging in a tenancy contracts
- Ensuring EPC quality and accuracy
- Measures applied to determine the cost benefit analysis and regulatory impact assessment

Under the legislative requirements of the Landlords Registration Regulations for an EPC to be provided as part of the scheme, there is an optional declaration from the Landlord to provide an energy rating band and not an EPC. This lends itself to vast scope of inaccuracy to determine the efficiency of the property and not an appropriate energy indicator for the potential utility bills to heat or light the property. While there is no current requirement for the Landlord to provide an EPC under the Registration, under the Energy Performance of Buildings legislation this is a requirement before a potential tenant lets the property. This EPB legislation is enforced by Local Councils. Council officers currently have considerable difficulty in identifying the name and address' of Landlords to ensure that compliance is gained where a tenant has not been provided with the EPC. As a consequence, often a tenant may let a property without being informed of the costly utility bills or poorly insulated property - potentially leading to high levels of condensation, and possibly leading to respiratory or other health problems for the tenants as a result!

The City Council value the promotion of an accurate EPC as a means to allow tenants to gauge the energy efficiency (and potential utility costs) of the property they are considering, it also informs

the owners and landlords of properties of the opportunities available to improve the energy efficiency of their buildings.

An EPC is a recognised and accredited energy rating indicator, but only provides value and credibility if the energy assessor provides an accurate assessment and certificate. Quality checks of EPCs should be carried out by accreditation bodies, but often inaccuracies and incorrect information is used, making the EPC invalid and its production purely a paper exercise.

It is the responsibility of the property owner or landlord whom has engaged the energy assessor to produce the EPC, to make a complaint to the assessor's accreditation body if they believe the EPC to be inaccurate. Often property owners or landlords often are less concerned about this aspect and will not make a complaint to the energy assessor accreditation body; or may be uninformed of the content and scope of the EPC, and so is unaware that the information bears little relevance to the property.

Under potential breach of data protection, there is great difficulty accessing the landlord registration schemes and we would welcome any amendments which would facilitate this going forward by making access to the private landlord registration scheme available to those who are responsible for the administration and enforcement of the Energy Performance of Buildings Regulations. In addition greater numbers of audits of EPC quality and accuracy should be carried out by impartial and independent authorities.

In relation to the Affordable Warmth Scheme and the potential for energy efficiency improvements to landlord stock, the Council would suggest that the current landlord 'uptake' rate through the Scheme, be assessed. Anecdotally there appears to be limited response from landlords who are 'targeted' through the Affordable Warmth Scheme.

Clarification and consideration needs to be given to listed and protected buildings that potentially may not be able to rise above an F or G Rating.

3. Amend legislation so that all unfit properties built before 1956 are subject to rent control.

The Council welcomes the proposed amendment to legislation to change the date for rent control of unfit properties from 1945. However the Council would advocate that any unfit property should be rent controlled regardless of the date of construction. There may be many unfit properties constructed in the 1960s and 1970s which should be subject to rent control and the legislation should amended to include all unfit properties to ensure it is future-proof against any new statutory fitness standard introduced by the Department.

Dispute Resolution:

The Department proposes to:

Examine the financial case for establishing an independent housing panel for Northern Ireland.

The Council supports the introduction of a specific panel/complaints service set up to sort out disputes between landlords and tenants. At present access to the courts can be a lengthy and expensive process and tenants cannot afford to go to court. The introduction of this type of service would address this and reduce the burden on the court system. At present Councils invest a considerable resource to ensure all complaints are investigated with a view to potential criminal proceedings. The Tenancy Deposit dispute mechanism has ensured that deposits which are protected are fairly adjudicated. A similar service for disputes such as repairing obligations and threatened evictions could provide mediation and avoid costly disputes and lengthy criminal investigations.

2006 Private tenancies order proposals for change:

ANNEX A PROPOSALS:

Tenant to be provided with a rent book

Amend Article 5 to make it a requirement for a landlord to inform a tenant if there is a variation to the contents of the rent book.

The Council welcomes any requirement which ensures tenants receive correct and up to date information. Councils would ask that discretion be given to Councils to deal with this type of offence via the service of a fixed penalty.

Tenant to be provided with a rent book which must contain certain specified information.

Amend Article 5(4) to add an offence if the landlord under a private tenancy fails to provide the written information relating to the tenancy that may be prescribed.

The Council welcomes any requirement which ensures tenants are given correct and up to date information. Councils would ask that discretion be given to Councils to deal with this type of offence via the service of a fixed penalty.

Notice of Unfitness / Disrepair

Amend Articles 18(4) (notice of unfitness) and 19(4) (Notice of Disrepair) of the PTO to specify a period of less than 21 days to require a person to carry out work where there is imminent danger.

The Council welcomes this proposal to allow enforcement officers to deal quickly with potentially hazardous situations. The Council would request that guidance is issued to Councils as to situations when this power should be used and how it differs from the powers currently available under the Cleaner Neighbourhoods and Environment Northern Ireland Act 2011.

Functions of the appropriate district council:

Create an offence similar to that in Article 28 for Article 36 if a person obstructs an authorised officer of the council from entering the property.

Article 36 is the inspection of a property for a Certificate of Fitness by the Council. Only a tenant would obstruct the officer from carrying out an inspection. The creation of a criminal offence to obstruct an officer from carrying out an inspection for a Certificate of Fitness would therefore criminalise tenants. The landlord has other avenues of redress to ensure a Council officer can gain access to carry out an inspection. The Council would prefer if the onus was on the landlord to give officers access to their property after the landlord makes an application for a Certificate of Fitness.

Prosecution of Offences

Article 68(3) – change “councils may” to “councils shall” so rather than enabling make it a requirement.

The Council has no objection in principle to this but would point out that an absolute requirement to take a prosecution would be at odds with Council enforcement policies. The Council has an enforcement policy which requires officers to consider a range of issues when deciding which form of enforcement action to take.

<http://www.belfastcity.gov.uk/nmsruntime/saveasdialog.aspx?IID=5419&SID=4813>

This policy is consistent with the principles set out in the Government's Better Regulation agenda and the Enforcement Concordat. It's also intended to improve compliance with legislation while minimising the burden on businesses, individuals, organisations and us. Issues considered such

as the seriousness of the offence, attitude and past history of alleged offender, public interest etc. are all considered.

Private Tenancies (Forms) Regulations (Northern Ireland) 2007

Schedule 2 Form 1

Include a requirement for landlords to provide electrical certification as part of application for fitness certificate.

The Council welcomes this proposal. The Council advocates the adoption of the HHSRS (Housing Health and Safety Rating System) the standard used in England and Wales which addresses all potential hazards in the home.

Tenancy Deposits Proposals for change:

ANNEX B:

Retrospective Protection

The current scheme only requires deposits taken on or after 1 April 2013 to be protected. The Department recommends that retrospective protection be introduced so all private rented deposits will be protected irrespective of the date the tenancy started. This will mean that all tenants will benefit from the protection the Scheme brings and will have access to the dispute resolution mechanism.

The Council understands how all tenants who paid a deposit before April 2013 deserve to have their money protected. The issue would be concerning resources for enforcement if this requirement was introduced. Tenancy deposit complaint cases can take a lot of time checking with providers, ensuring the tenant has evidence of a financial transaction etc. The widening of the regulations to all deposits will place a burden on Councils. Councils would need additional funding to carry out this role.

Time limit for deposit protection

Current legislation states a deposit must be protected in an approved scheme within 14 days of receipt. The Department will amend legislation to allow landlords additional time to protect the deposit so landlords will have 28 days to protect the deposit and give the required information to the tenant.

The Council welcomes the amendment to give landlords an extra 14 days to secure a deposit.

Prosecution Time Bar

Offences under the Tenancy Deposit Scheme cannot be prosecuted through the courts after six months. The Department will amend legislation so that the time limitation will not be a barrier to enforcement.

The Council welcomes the amendment to ensure that all case relating to the tenancy deposit scheme can be prosecuted through the courts

Fixed Penalties

Currently any monies paid as a result of fixed penalties (up to three times the amount of the deposit) is paid to councils The Department will seek to amend legislation to allow part of the penalty to be paid to the tenant.

The Council recognises the need to ensure tenants have no financial detriment if their deposit was not secured. However the fixed penalty level was set to ensure Councils were properly resourced to carry out this additional enforcement responsibility. If Councils are to refund the deposit from fixed penalty income the Council would ask that the legislation be amended to increase the amount of fixed penalty payable to include the cost of the deposit.

Court Decisions

***Currently a judge can issue a fine of up to £20,000 and there is no obligation for any monies to be returned to the tenant and the landlord is not ordered to protect the deposit in an approved Tenancy Deposit Scheme unlike Article 65A (7) where a court must order a landlord to register.
The Department will seek to change the legislation.***

The Council welcomes this provision to allow a court to order a landlord to return the deposit to the tenant.

Monies in designated accounts

The Department will explore the feasibility of allowing scheme administrators to use monies in designated accounts to work with Housing Associations to invest in affordable housing.

The Council welcomes this proposal and would ask that the Council are consulted and are involved in any feasibility study.

Proactive approach by Council Environmental Health Officers

The Department will take action to encourage all councils to be more proactive and use the legislative powers available to them to prosecute for non compliance.

The Council welcomes this proposal as it currently adopts a proactive approach to enforcement within the private rented sector. All requests for service from privately rented tenants are automatically checked for landlord registration, tenancy deposit and Certificate of Fitness compliance.

Correspondence address

Amend para 1(d) of Schedule 1 to the Tenancy Deposit Scheme Regulations (Northern Ireland) 2012 to change "Northern Ireland" to "United Kingdom."

The Council welcomes this proposal.

Transfer between schemes

Amend Regulation 14 to insert a timeframe for transfer of a deposit and protection between schemes.

The Council welcomes this proposal.

Landlord registration proposals for change:

ANNEX C:

RECOMMENDATIONS:

Registration Fee

The Landlord Registration Scheme fee to be re-examined at registration renewal to decide if it should be:

Option 1: Reduced to cover the actual running costs of scheme

Option 2: Maintained at the current rate and used to cover both the running cost of the scheme and to fund any potential recommendations in relation to landlords coming out of the review of the Private Rented Sector

The Council is supportive of a review but not of any of the options listed above. The Council asks that the review consider how registration fees are currently used and could be used to support landlords and Councils in the future. Councils would also request that any review properly take account of the additional burden that enforcing the scheme has placed on local Councils. The Council would request to be consulted and/or involved in any review. The Council would also refer the Department to previous comments made in respect of Landlord licensing and any change to the registration scheme that would require sample checks of standards in properties.

Enforcement

Liaise with councils to improve enforcement processes to ensure all landlords are complying with the law and registering.

The Council welcomes this proposal and feels that this should be carried out as part of any review of the registration fee income.

Accountability

To advise landlords twice yearly explaining how the registration fee is used.

The Council welcomes this proposal but would request similar information is provided to those living in the Private Rented Sector.

Renewal Process

Examine the possibility of making the renewal process fully electronic by removing the clerical application facility at renewal.

The Council welcomes this proposal.

Correspondence address

Amend para 1(e) of Schedule 1 to the Landlord Registration Scheme Regulations (Northern Ireland) 2014 to change "Northern Ireland" to "United Kingdom".

The Council welcomes this proposal.

Additional Comments

In addition to these proposed changes the Landlord registration, the Council would welcome an amendment to the sharing of data from the landlord registration database. Currently the Council enforcement officers can only use data from the landlord registration database to discharge its function under the Private Tenancies Order (NI) 2006 and for unlawful eviction investigations.

Council enforcement officers carry out a wide range of enforcement activities which impact on the privately rented sector and consequently would require the officer to have the landlords details, e.g.: to silence burglar alarms, animal welfare issues, issue statutory nuisance abatement notices under Clean Neighbourhood and Environment Act 2011.

The Council and CEHOG (Now EHNI) have previously corresponded with the Department on the need to update the statutory guidance to the Private Tenancies Order. The Council would refer the Department to the Council's response to last year's discussion paper on the Review of the Regulation of the Private Rented Sector.